THE BOMBAY CO-OPERATIVE SOCIETIES ACT, 1925 (BOM. VII OF 1925).

G. N., R. D., No. 522/28/20383, dated 28th November 1928 (B. G., Pt. I, p. 2560). S. 4

Modified by G. N., R. D., 522/28/25881, dated 5th May 1938.
Modified by G. N., R. D., 522/28, dated 27th June 1938.
Modified by G. N., R. D., 522/28, dated 31st July 1939.

In exercise of the powers conferred by section 4 of the Bombay Co-operative Societies Act, 1925 (Bom. VII of 1925), and in supersession of Government Notifications in the Revenue Department No. 4634, dated the 6th May 1919 and No. 2169, dated the 20th July 1920, the Government of Bombay is pleased to confer on Assistant Registrars of Co-operative Societies all the powers of a Registrar under the said Act with the exception of the powers conferred by the following provisions of the said Act, namely :—

Sections 10, 14, 15, 16, 47, 48, 49, 50, 50A, 51, 52, 53, 63 (*3*) and 70.

G. N., R. D., No. 522/28, dated 31st January 1936 (B. G., Pt. IV-A, p. 215). S. 4

In exercise of the powers conferred by section 4 of the Bombay Co-operative Societies Act, 1925 (Bom. VII of 1925), the Government of Bombay is pleased to confer on the Assistant Registrar for Land Mortgage Banks all the powers of a Registrar under the said Act with the exception of the powers conferred by the following provisions of the said Act, namely :—

Sections 10, 14, 15, 16, 47, 48, 49, 50, 50A, 51, 52, 53 and 63 (*3*).

G. N., R. D., No. 522/28/361, dated 31st March 1937 (B. G., Pt. IV-A, p. 420). S. 4

In exercise of the powers conferred by section 4 of the Bombay Co-operative Societies Act, 1925 (Bom. VII of 1925), the Government of Bombay is pleased to confer on Assistant Registrars of Co-operative Societies the powers of a Registrar under section 59A (*1*) of the said Act.

G. N., R. D., No. 522/28/6797, dated 31st July 1937 (B. G., Pt. IV-A, p. 1086). S. 4

In exercise of the powers conferred by section 4 of the Bombay Co-operative Societies Act, 1925 (Bom. VII of 1925, the Government of Bombay is pleased to confer on the Deputy Registrar of Co-operative Societies all the powers of a Registrar under the said Act, with the exception of the powers conferred by the following provisions thereof, namely :—

Sections 10, 14, 15, 16 (in so far as the power relates to the amendment of the by-laws of the Bombay Provincial Co-operative Bank, the Bombay Provincial Co-operative Land Mortgage Bank, the Bombay Provincial Co-operative Institute, District Central Co-operative Banks, land mortgage banks, and urban banks with a working capital exceeding Rs. 50,000), 47, 48, 49, 50A, 53 and 63 (*3*).

S. 4 **G. N., R. D., No. 522/28/25881, dated 5th May 1938 (B. G., Pt. IV-A, p. 632).**

In exercise of the powers conferred by section 4 of the Bombay Co-operative Societies Act, 1925 (Bom. VII of 1925), and in modification of Government Notification in the Revenue Department, No. 522/28/20383, dated the 28th November 1928, the Government of Bombay is pleased to confer on Assistant Registrars of Co-operative Societies the powers of a Registrar under section 50 of the said Act to sanction the doing by a liquidator appointed under section 47 of the said Act of any of the things specified in—

(*a*) clauses (*f*) and (*g*) of the said section 50;

(*b*) clause (*c*) of the said section when the amount to be remitted or written off on account of a compromise or adjustment does no exceed in any individual case 20 per cent. of the total dues or Rs. 50, which ever is more; and

(*c*) clause (*e*) of the said section when the subject matter of the suit or legal proceeding is valued at not more than Rs. 100.

S. 4 **G. N., R. D., No. 522/28, dated 27th June 1938 (B. G., Pt. IV-A, p. 1110).**

In exercise of the powers conferred by section 4 of the Bombay Co-operative Societies Act, 1925 (Bom. VII of 1925) and in modification of Government Notification in the Revenue Department., No. 522/28/20383, dated the 28th November 1928, the Government of Bombay is pleased to confer on Assistant Registrars of Co-operative Societies the powers of a Registrar under sub-sections (*2*) and (*3*) of section 16 of the said Act, in so far as they relate to the amendment of the bye-laws of (*i*) agricultural credit societies (excluding land mortgage banks) and (*ii*) urban credit societies with a share capital of less than Rs. 2,000.

S. 4 **G. N., R. D., No. 522/28/37007, dated 16th December 1938 (B. G., Pt. IV-A, p. 2046).**

In exercise of the powers conferred by section 4 of the Bombay Co-operative Societies Act, 1925 (VII of 1925), the Government of Bombay is pleased to confer on the Personal Assistant to the Registrar of Co-operative Societies all the powers of a Registrar under the said Act, with the exception of the powers conferred by the following provisions thereof, namely :—

Sections 10, 14, 15, 16 (in so far as the power relates to the amendment of the bye-laws of the Bombay Provincial Co-operative Bank, the Bombay Provincial Land Mortgage Bank, the Bombay Provincial Co-operative Institute, the District Central Co-operative Banks, Land Mortgage Banks and Urban Banks with a share capital exceeding Rs. 20,000), 47, 48, 49, 50-A, 53 and 63(*3*).

S. 4 **G. N., R. D., No. 522/28, dated 24th July 1939 (B. G., Pt. IV-A, p. 1961).**

Superseded by G. O., R. D., No. 1457/39, dated 15th October 1946, in so far as it relates to the Assistant Registrar, Co-operative Finance.

In exercise of the powers conferred by section 4 of the Bombay Co-operative Societies Act, 1925 (Bom. VII of 1925), the Government of Bombay is pleased to confer the powers of a Registrar under sections 10 and 16 of the said Act on the officers mentioned below, namely :—

(1) Personal Assistant to the Registrar of Co-operative Societies.

(2) Assistant Registrar of Co-operative Finance.

G. N., R. D., No. 522/28, dated 31st July 1939 (B. G., Pt. IV-A, p. 1262). S. 4

In exercise of the powers conferred by section 4 of the Bombay Co-operative Societies Act, 1925 (Bom. VII of 1925), and in modification of Government Notification in the Revenue Department, No. 522/28/20383, dated the 28th November 1928, as amended by Government Notifications, Revenue Department, No. 522/28/25881, dated the 5th May 1938, and No. 522/28, dated the 27th June 1938, the Government of Bombay is pleased to confer on Assistant Registrars of Co-operative Societies the powers of a Registrar under the following sections of the said Act, namely :—

(*a*) Section 10, except in so far as the power under this section relates to the registration of central financing agencies including banking unions, urban banks, land mortgage banks, joint farming societies, housing societies and societies which have as their members other registered societies.

(*b*) Section 14.

(*c*) Sections 15, 16, 50, 50A, 51, 52, 54A and 63 (*3*) in so far as these sections relate to societies which the Assistant Registrars of Co-operative Societies are empowered to register under section 10 as provided in clause (*a*) above.

(*d*) Section 50 as provided in Government Notification, Revenue Department, No. 522/28/25881, dated 5th May 1938, in so far as it relates to societies other than those mentioned in clause (*c*) above.

G. N., R. D., No. 522/28, dated 21st January 1943 (B. G., Pt. IV-B, p. 44). S. 4

In exercise of the powers conferred by section 4 of the Bombay Co-operative Societies Act, 1925 (Bom. VII of 1925), the Government of Bombay is pleased to confer on Assistant Registrars of Co-operative Societies the powers of a Registrar under rule 17-A of the Bombay Co-operative Societies Rules, 1927.

G. N., R. D., No. 522/28, dated 23rd March 1944 (B. G., Pt. IV-B, p. 113). S. 4

In exercise of the powers conferred by section 4 of the Bombay Co-operative Societies Act, 1925 (Bom. VII of 1925), the Government of Bombay is pleased to confer on Assistant Registrars of Co-operative Societies and the Assistant Registrar, Land Mortgage Banks, the power of a Registrar under section 59B of the said Act.

G. O., R. D., No. 1457/39, dated 15th October 1946 (B. G., Pt. I, p. 3153). S. 4

In exercise of the powers conferred by section 4 of the Bombay Co-operative Societies Act, 1925 (Bom. VII of 1925), and in supersession of all previous notifications in so far as they relate to the Assistant Registrar, Co-operative Finance, the Government of Bombay is pleased to confer on the Assistant Registrar, Co-operative Finance, all the powers of the Registrar under the said Act, except those under section 64A thereof.

S. 4 G. N., R. D., No. 3150/45-J, dated 29th April 1947 (B. G., Pt. IV-B, p. 306).

In exercise of the powers conferred by section 4 of the Bombay Co-operative Societies Act, 1925 (Bom. VII of 1925), the Government of Bombay is pleased to confer on the officers specified in column 1 of the Schedule hereto annexed all the powers of a Registrar under the Bombay Co-operative Societies Rules, 1927, specified against them in column 2 of the said Schedule.

Schedule.

Officers.	Rules.
1. Joint Registrar of Co-operative Societies. 2. Joint Registrar for Industrial Co-operatives and Village Industries. 3. Deputy Registrars of Co-operative Societies. 4. Chief Auditor and Financial Adviser, Co-operative Department.	3, 5, 6, 6-A, 7, 8, 11, 12-A, 17, 24, 26, 27, 28, 32, 35, 37, 38 (3), 38 (5) and 41.
Assistant Registrars of Co-operative Societies.	32 and 35 in respect of all Societies; 3, 5, 6, 6-A, 7, 8, 11, 12-A, 17, 26, 28, 37, 38 (3) and 38 (5) in respect of the class of societies which the Assistant Registrars are empowered to register under section 10.

S. 4 G. N., R. D., No. 10298, dated 27th November 1948 (B. G., Pt. IV-B, p. 1306).

In exercise of the powers conferred by section 4 of the Bombay Co-operative Societies Act, 1925 (Bom. VII of 1925), the Government of Bombay is pleased to confer on the Assistant Registrar of Co-operative Societies for refugees, Bombay, all the powers of a Registrar under the said Act, except those conferred by section 64A and all the powers of a Registrar under the following rules of the Bombay Co-operative Societies Rules, 1927, namely :—

Rules 3, 5, 6, 6-A, 7, 8, 11, 12-A, 17, 24, 26, 27, 28, 32, 37, 38 (3), 38 (5) and 41.

S. 4 G. N., R. D., No. 3150/45(a), dated 29th August 1949 (B. G., Pt. IV-B, p. 1830).

In exercise of the powers conferred by section 4 of the Bombay Co-operative Societies Act, 1925 (Bom. VII of 1925), the Government of Bombay is pleased to confer on the Assistant Registrars of Co-operative Societies the powers of a Registrar under the following sections of the said Act, namely :—

(*i*) Sections 15A and 16A in respect of the class of Societies which the Assistant Registrars of Co-operative Societies are empowered to register under section 10 of the said Act under Government Notification, Revenue Department, No. 522/23, dated the 31st July 1929;

(*ii*) section 46A.

G. N., R. D., No. 3150/45(b), dated 29th August 1949 (B. G., Pt. IV-B, p. 1830). **S. 4**

In exercise of the powers conferred by section 4 of the Bombay Co-operative Societies Act, 1925 (Bom. VII of 1925), and in supersession of Government Orders noted below, the Government of Bombay is pleased to confer on the officers specified in column 1 of the Schedule hereto appended, the powers of a Registrar under the said Act, specified against them in column 2 of the said Schedule.

Government Orders, Revenue Department—

(1) No. 522/28 (*a*), dated the 31st July 1939.
(2) No. 522/28, dated the 6th November 1945.
(3) No. 9981/39, dated the 28th January 1946.
(4) No. 2492/45, dated the 9th August 1946.
(5) No. 1457/39, dated the 29th April 1947.
(6) No. 3150/45, dated the 29th April 1947.
(7) No. 4793/45, dated the 19th May 1947.

Schedule.

Officers. 1	Powers. 2
1. Joint Registrar of Co-operative Societies.	All the powers of a Registrar under the Act provided that powers under section 64A shall be exercisable only in respect of agricultural credit and non-credit societies and Urban credit and salary earners' Societies.
2. Joint Registrar for Industrial Co-operatives and Village Industries. 3. Divisional Deputy Registrars of Co-operative Societies. 4. Chief Auditor and Financial Adviser, Co-operative Department.	All the powers of a Registrar under the Act except powers under section 64A.

G. N., R. D., No. 6952/39, dated 23rd March 1942 (B. G., Pt. IV-B, p. 121). **S. 31 (2)**

In exercise of the powers conferred by sub-section (*2*) of section 31 of the Bombay Co-operative Societies Act, 1925 (Bom. VII of 1925), the Government of Bombay is pleased to direct that no officer of any of the following societies shall in any legal proceedings to which such society is not a party be compelled to produce any of such societies' books, the contents of which can be proved under sub-section (*1*) of the said section 31 or to appear as a witness to prove the matters, transactions and accounts therein recorded, unless by order of the Court or a Judge made for special cause :—

1. The Bombay Provincial Co-operative Bank, Limited.
2. All District Central Co-operative Banks.
3. All Urban Co-operative Banks with a share capital of more than Rs. 20,000.
4. The Bombay Provincial Land Mortgage Bank, Limited.
5. The Bombay Provincial Co-operative Marketing Society.
6. The Bombay Provincial Co-operative Insurance Society.

S. 28 (2) (a) **G. N., R. D., No. 7599, dated 28th May 1923 (B. G., Pt. I, p. 1137).**

Superseded by G. N., R. D., No. 10055/28, dated 22nd March 1939, in so far as it relates to the remission of stamp duty in respect of instruments other than those falling within items 57 and 59 in List I in the Seventh Schedule to the Government of India Act, 1935.

In exercise of the powers conferred by clause (*a*) of sub-section (*2*) of section 28 of the Co-operative Societies Act, 1912 (II of 1912), and in supersession of the Notification of the Government of India in the Finance Department No. 2781-F, dated the 23rd October 1919 so far as it applied to the Presidency of Bombay, the Government of Bombay is pleased to remit the stamp duty with which, under any law for the time being in force, instruments executed by or on behalf of any society for the time being registered under the said Act, or instruments executed by any officer or member of any such society and relating to the business of the society (other than cheques of individual members for an amount exceeding Rs. 20 drawn against their current accounts with Co-operative Banks) are chargeable.

S. 33 (2) (a) **G. N., R. D., No. 10055/28, dated 22nd March 1939 (B. G., Pt. IV-A, p. 562).**

Amended by G. N., R. D., No. 10055/28, dated 9th May 1939.

Amended by G. N., R. D., No. 3648/45, dated 26th July 1948.

Amended by G. N., R. D., No. 3648/45, dated 14th June 1949.

In exercise of the powers conferred by clause (*a*) of sub-section (*2*) of section 33 of the Bombay Co-operative Societies Act, 1925 (Bom. VII of 1925), and in supersession of Government Notification in the Revenue Department, No. 7599, dated the 28th May 1923, in so far as it relates to the remission of stamp duty in respect of instruments other than those falling within items 57 and 59 in List I in the Seventh Schedule to the Government of India Act, 1935, the Government of Bombay is pleased to remit the stamp duty with which under the law for the time being in force, instruments, other than those specified in the Schedule hereto annexed executed by or on behalf of any society for the time being registered under the said Act, or by any officer or member of any such society and relating to the business of such society are chargeable :—

Schedule.

(A) (*i*) Instruments whether attested or not in respect of transactions relating to loans and advances, loans or mortgages, cash credit or overdraft bonds, agreements of pawn or pledge, letters of hypothecation, executed by members of urban credit societies or banks, or by individual members (other than societies registered or deemed to be registered under the Act) of central financing agencies, including the Bombay Provincial Co-operative Bank, Limited and the value of which exceeds—

(*a*) Rs. 2,000 in the case of urban credit societies or banks, and

(*b*) Rs. 5,000 in the case of individual members of the central financing agencies, including the Bombay Provincial Co-operative Bank, Limited,

or where the said transactions are contracted on the security of agricultural or industrial produce, if their value exceeds—

(*a*) Rs. 10,000, in the case of urban credit societies or banks ; and

(*b*) Rs. 20,000, in the case of individual members of the central financing agencies, including the Bombay Provincial Co-operative Bank, Limited.

(*ii*) Reconveyances or releases executed by officers of urban credit societies of banks in respect of mortgages the value of which exceeds Rs. 2,000.

(*iii*) The following instruments executed by officers or members of urban credit societies or banks—

(*a*) Conveyances relating to the business of such societies or banks, if the amount or value of the consideration exceeds Rs. 2,000 ;

(*b*) Leases, agreements to lease or transfers of leases.

(B) (*i*) Instruments executed by members of housing societies formed of persons belonging to classes other than agriculturists or backward communities, in respect of transactions of loans or advances, the value of which exceeds Rs. 5,000.

(*ii*) Reconveyances or releases executed by officers of the societies referred to in (*i*) above in respect of mortgages, the value of which exceeds Rs. 5,000.

(*iii*) Conveyances executed by any member of the societies referred to in (*i*) above, the amount or value of the consideration of which exceeds Rs. 5,000.

G. N., R. D., No. 3648/45(a), dated 26th July 1948 (B. G., Pt. IV-B, p. 607).

S. 33 (2) (b)

Amended by G. N., R. D., No. 3648/45 (a), dated 14th June 1949.

In exercise of the powers conferred by clause (*b*) of sub-section (*2*) of section 33 of the Bombay Co-operative Societies Act, 1925 (Bom. VII of 1925), hereinafter referred to as "the said Act" and in supersession of the Government Notification in the Revenue Department, No. 10055/28, dated the 9th October 1941, the Government of Bombay is pleased to remit the following fees payable under the law of registration for the time being in force, namely :—

(*a*) all fees payable by or on behalf of any society, for the time being registered or deemed to be registered under the said Act, in respect of instruments other than those specified in the Schedule hereto annexed ; and

(*b*) all fees payable by any member or officer of such society, in respect of instruments, other than those specified in the said Schedule, executed by such member or officer and relating to the business of such society.

Schedule.

(A) (*i*) Instruments whether attested or not in respect of transactions relating to loans and advances, Promissory Notes, bills of exchange, loans or mortgages, cash credit or overdraft bonds, agreements of pawn or pledge, letters of hypothecation or credit, executed by members of urban credit societies or banks, or by individual members (other than societies registered

or deemed to be registered under the said Act) of central financing agencies, including the Bombay Provincial Co-operative Bank, Limited, and the value of which exceeds—

(*a*) Rs. 2,000, in the case of urban credit societies or banks; and

(*b*) Rs. 5,000, in the case of individual members of the central financing agencies, including the Bombay Provincial Co-operative Bank, Limited;

or where the said transactions are contracted on the security of agricultural or industrial produce, if their value exceeds—

(*a*) Rs. 10,000, in the case of urban credit societies or banks; and

(*b*) Rs. 20,000, in the case of individual members of the central financing agencies, including the Bombay Provincial Co-operative Bank, Limited.

(*ii*) Re-conveyances or releases executed by officers of urban credit societies or banks in respect of mortgages the value of which exceeds Rs. 2,000;

(*iii*) The following instruments executed by officers or members of urban credit societies or banks—

(*a*) Conveyances relating to the business of such societies or banks if the amount or value of the consideration exceeds Rs. 2,000;

(*b*) Leases, agreements to lease or transfers of leases.

(B) (*i*) Instruments executed by members of housing societies formed of persons belonging to classes other than agriculturists or backward communities, in respect of transactions of loans or advances, the value of which exceeds Rs. 5,000;

(*ii*) Re-conveyances or releases executed by officers of the societies referred to in (*i*) above, in respect of mortgages the value of which exceeds Rs. 5,000;

(*iii*) Conveyances executed by any member of the societies referred to in (*i*) above, the amount or value of the consideration of which exceeds Rs. 5,000.

S. 71 Bombay Co-operative Societies Rules, 1927.

G. N., R. D., No. 5978/24, dated 11th August 1927 (B. G., Pt. I, p. 1999).

Amended by G. N., R. D., No. 2882/28, dated 16th April 1930.

Amended by G. N., R. D., No. 684/28, dated 13th August 1930.

Amended by G. N., R. D., No. 3818/24, dated 8th January 1932.

Amended by G. N., R. D., No. 7776/28, dated 1st August 1932.

Amended by G. N., R. D., No. 9003/28, dated 10th October 1932.

Amended by G. N., R. D., No. 759/33, dated 2nd May 1934.

Amended by G. N., R. D., No. 1866/33, dated 5th October 1934.

Amended by G. N., R. D., No. 2539/33, dated 18th December 1934.

Amended by G. N., R. D., No. 3482/28, dated 1st July 1935:

Amended by G. N., R. D., No. 5290/33, dated 21st July 1936.

Amended by G. N., R. D., No. 6081/33, dated 4th June 1937.

Amended by G. N., R. D., No. 4373/28, dated 20th May 1938.

Amended by G. N., R. D., No. 759/33, dated 6th December 1938.

Amended by G. N., R. D., No. 7363/33/37324, dated 27th June 1939.

Amended by G. N., R. D., No. 5978/24, dated 11th August 1939.

Amended by G. N., R. D., No. 684/28, dated 4th April 1940.

Amended by G. N., R. D., No. 1330/39, dated 30th September 1940.

Amended by G. N., R. D., No. 7363/33, dated 8th October 1940.

Amended by G. N., R. D., No. 1330/39, dated 25th November 1941.

Amended by G. N., R. D., No. 2298/28, dated 30th January 1942.

Amended by G. N., R. D., No. 4373/73, dated 7th April 1942.

Amended by G. N., R. D., No. 1866/33, dated 8th April 1942.

Amended by G. N., R. D., No. 5533/39, dated 4th May 1942.

Amended by G. N., R. D., No. 7363/33, dated 19th June 1942.

Amended by G. N., R. D., No. 522/28, dated 17th August 1942.

Amended by G. N., R. D., No. 3791/33, dated 8th October 1942.

Amended by G. N., R. D., No. 9357/39, dated 6th May 1945.

Amended by G. N., R. D., No. 2003/45, dated 14th August 1948.

Amended by G. N., R. D., No. 7556/45, dated 19th October 1948.

Amended by G. N., R. D., No. 3652/45, dated 25th November 1948.

Amended by G. N., R. D., No. 1505/45-V, dated 28th February 1949.

Amended by G. N., R. D., No. 175/49, dated 10th August 1949.

Amended by G. N., R. D., No. 4311/45-III, dated 10th August 1949.

Amended by G. N., D. D., No. 110-II, dated 9th January 1950.

Amended by G. N., D. D., No. 795, dated 9th March 1950.

Whereas certain rules, which it was proposed to make under section 71 of the Bombay Co-operative Societies Act, 1925 (Bombay VII of 1925), were published in Government Notification in the Revenue Department No. 5978/24, dated 14th July 1926 :

And whereas the objections and suggestions received with reference to the said rules have been considered by the Government of Bombay :

Now therefore the Government of Bombay, in exercise of the powers conferred by section 71 of the Bombay Co-operative Societies Act, 1925 (Bombay VII of 1925), and in supersession of the notifications specified in the margin,* are pleased to make the following rules :—

*Government Notifications, Revenue Department :—
No. 4358 of 30th April 1919.
No. 321 of 3rd February 1920.
No. 1312 of 26th April 1920.
No. A—Misc. 1568 of 24th June 1920.
No. 783 of 19th March 1921.
No. 1937 of 29th July 1921.
No. A.—408 of 2nd December 1921.
No. 6337-A of 28th March 1923.
No. 6337 of 10th May 1923.
No. 7910 of 20th September 1923.
No. 8067 of 5th October 1923.
No. 9744 of 7th March 1924.
No. 7910 of 23rd June 1925.

1. *Short title.*—(*1*) These rules may be called the Bombay Co-operative Societies Rules, 1927.

Definitions.—(*2*) In these rules, unless there is anything repugnant to the subject or context, (*i*) the expression "the Act" means the Bombay Co-operative Societies Act, 1925 ; (*ii*) "section" means a section of the Act ; and (*iii*) words and expressions defined in the Act shall have the meanings assigned to them in the Act.

Registration.

2. *Application for registration.*—(*1*) Every application for the registration of a society under sub-section (*1*) of section 9 shall be in the form of Schedule A hereto annexed.

(*2*) In addition to the copy of the by-laws, which is required to accompany the application for registration under sub-section (3) of section 9 two other copies of the proposed by-laws of the society shall be forwarded therewith.

(*3*) In cases where one of the members of the society to be registered is a registered society, a member of the Managing Committee of such registered society shall be authorised by such Committee by resolution to sign the application for registration and the by-laws on its behalf, and a copy of such resolution shall be appended to the application.

3. *Decision of Registrar to be communicated in case of refusal to register.*—If the Registrar refuses to register the society or its by-laws under section 10, he shall communicate to the applicants his reasons for so doing.

By-laws.

4. *Matters in respect of which a society shall or may make by-laws.*—(1) The matters in respect of which every society shall make by-laws are the following :—

(*a*) The name and address of the society and its branches, the tribe, class or occupation of its members, if the membership is proposed to be so restricted, and the area for which it is to be registered ;

(*b*) the object of the society, the purposes to which its funds are applicable, the terms of admission of members, and their rights and liabilities, the consequences

of default in payment of any sum due by a member, and, in the case of credit societies, the conditions on which loans may be granted, and the rate of interest and the system of calculation of interest and the maximum number of members that may be admitted ; and, in the case of non-credit societies, the mode of conducting business, purchase, sale, stock-taking and other like matters ;

(*c*) the mode of holding meetings, and, subject to the provisions of rules 5 and 6, the manner of making, altering and abrogating by-laws ;

(*d*) the mode of appointment and removal of members of the committee and of the officers, if any, and the duties and powers of the committee and officers ;

(*e*) the manner in which capital may be raised ;

(*f*) the mode of custody and of investment of funds, and, subject to rules 14, 17, 18 and 19, the mode of keeping of accounts ; and

(*g*) the distribution of its profits.

(2) Every society may make by-laws in respect of any other matters incidental to the management of its business.

5. *By-laws.*—When a society has been registered, the by-laws submitted under sub-section (*3*) of section 9 shall, subject to any modification approved by the Registrar and adopted at a general meeting, having a quorum, by a majority of not less than two-thirds of the members present at such meeting, become the by-laws of the society.

6. *Amendment of by-laws.*—By-laws may be made, altered or abrogated by a resolution passed at a general meeting of the society ; provided that—

(1) due notice of any proposal to make, alter or abrogate the by-laws is given in accordance with the by-laws :

(2) the resolution is passed by not less than two-thirds of the members present at the general meeting at which a quorum shall be present, or, at an adjourned general meeting (at which if a quorum is not present within half an hour from the time appointed for holding the meeting, the members present shall form a quorum) and a copy of the resolution is forwarded to the Registrar within a period of three months from the date of the meeting. A copy of the existing by-law or by-laws so marked as to show the alterations proposed to be made, and three copies of the proposed amendments signed by the officers of the society, shall be attached to the copy of the resolution ; and

(3) the making, alteration or abrogation of the by-laws is approved and registered by the Registrar.

6-A. *Special General meetings at the instance of the Registrar.*—Notwithstanding anything contained in these rules or by-laws of a society as to the manner of summoning a general meeting and the notice to be given for the said purpose, any person authorised in this behalf by the Registrar may call a special general meeting, for which a requisition has been made by the Registrar under sub-section (*2*) of section 13, in such manner and at such time and place as the Registrar may direct. A special general meeting so convened shall have powers to transact all business which can be transacted at the annual general meeting under the bye-laws framed by the society and such other business as is specifically mentioned in the requisition made by the Registrar.

6-B. *Manner of giving notice of Preliminary resolution under sub-section (2) of section 15A.*—Any Society resolving to divide itself into two or more societies shall give a notice of the preliminary resolution to all persons, other than the members and creditors of the society, whose interests will be affected by the division of the Society in the following manner, namely :—

(*a*) the notice shall be in the form prescribed in Schedule AA *annexed hereto ;*

(*b*) a copy of the notice shall be sent to the Assistant Registrar, the Divisional Deputy Registrar and the Registrar ;

(*c*) a copy of the notice shall be sent by registered post to each of the persons, other than the members and creditors of the society, whose interests the society knows will be affected by such division ;

(*d*) the notice shall also be published not less than 10 days before the date of the meeting called for final adoption of the resolution, in two successive issues of a newspaper having circulation in the area in which the registered office of the society is situated and such publication shall be deemed to be sufficient publication for the purposes of section 15A (*2*).

7. *Loans and Deposits.*—Every society with unlimited liability shall, from time to time, fix in a general meeting the maximum liability which it may incur in loans and in deposits from non-members. The maximum so fixed shall be subject to the sanction of the Registrar, who may at any time reduce it, for reasons to be communicated by him to the society in writing, and may prescribe a period, not being less than four months within which the society shall comply with his orders. No such society shall receive any loan or deposit from a non-member which will make its liability to non-members exceed the limit sanctioned by the Registrar.

8. *Restrictions on borrowing by societies with limited liability, other than the Bombay Provincial Co-operative Bank.*—(1) No society with limited liability, other than the Bombay Provincial Co-operative Bank, Limited, shall, without the previous sanction of the Registrar, incur liability exceeding in total eight times the total amount of its paid up share capital, accumulated reserve fund and building fund minus accumulated losses.

(2) The State Government may, by general or special order, specify the conditions subject to the observance of which the Registrar shall give his sanction under sub-rule (1).

(3) In calculating the total amount of liability for the purposes of this rule, in the case of an agricultural purchase and sale society or a multipurpose society, specified in this behalf by the Registrar by general or special order, a sum equal to the amounts borrowed by such society from a central financing agency for giving advances on the security of agricultural produce shall be deducted from the amount of the actual liability of such society.

Explanation.—A central financing agency means a society the primary object of which is to lend money to other societies.

(4) In calculating the total amount of liability for the purposes of this rule, in the case of a district central co-operative bank or an urban co-operative bank a sum equal to the face value of the gilt-edged securities owned by such bank, up to an amount equal to twice the amount of the paid up share capital of the bank shall be deducted from the amount of the actual liabilities of such bank, provided

that the said securities are deposited in the custody of the Bombay Provincial Co-operative Bank, Limited. The Registrar may, if in his opinion any such bank is well managed and for special reasons, exempt it from the foregoing provision of deposit of securities.

8-A. *Restrictions on borrowing by Bombay Provincial Co-operative Bank.*—The Bombay Provincial Co-operative Bank, Limited, shall not incur liabilities exceeding in total twelve times the total amount of its paid up share capital and all reserves, including the reserve fund, reserve for marketing advances, building reserve, sinking fund for debentures, dividend equalization reserve, reserve for bad debts and reserve for overdue interest, minus accumulated losses, actual bad debts, if any, and overdue interest :

Provided that the Bank may incur liabilities in excess of the above limit by receiving deposits, subject to the observance of the conditions that the amount received as deposits in excess of the said limit shall not be utilized in the ordinary business of the Bank but shall be invested in Government securities or advances against Government securities or short term deposits with such banks as may be approved by the Registrar.

9. *Shares not to be hypothecated to the society.*—The shares of a society shall not be hypothecated to that society by its members as a security for a loan.

9-A. *Value of share of a member.*—If a member resigns his membership of a society or is removed under rule 45 or dies, the sum representing the value of his share or interest in the capital of the society to be paid to him or his nominee, heir or legal representative shall be ascertained as under :—

(*i*) In the case of a society with unlimited liability, it shall be the actua amount received by the society in respect of such share or interest.

(*ii*) In the case of a society with limited liability, it shall be the amount arrived at by a valuation based on the financial position of the society as shown in the last audited balance-sheet preceding the resignation, removal or death of such member provided that it shall not exceed the actual amount received by the society in respect of such share or interest.

10. *Deposits with Agricultural Credit Societies.*—Agricultural credit societies shall not accept deposits which are not fixed for a period of at least two months, except savings deposits in such societies as have made in their by-laws provision for the encouragement of thrift among their members by the opening of saving accounts.

11. *Loans on Suretyship of Non-Members.*—No society shall make any loan to a member on a bond secured by the suretyship of a non-member ; provided that the Registrar may, for special reasons, exempt any society by name from the operation of this rule.

12. *Writing off of losses.*—Losses may be written off against the reserve fund of any society, and, in the case of limited liability societies, if the losses exceed the reserve fund, the balance remaining may be written off against the share capital of the society :

Provided that (i) no losses shall be wrtten off without the sanction of a general meeting ; (ii) before any such losses are so written off, the society, if it is affiliated and indebted to a Central Bank, shall obtain the approval of that Central Bank

in writing, which approval shall be given after consultation with the Assistant Registrar, and shall be countersigned by him. If the society is not so affiliated, or if the society is so affiliated and is not indebted to the Central Bank, it shall first obtain the approval of the Assistant Registrar in writing; and (iii) if the society itself is a Central Bank, the approval of the Provincial Co-operative Bank, given in consultation with and countersigned by the Registrar, shall first be obtained :

Provided further that the Assistant Registrar or the Registrar, as the case may be, may, while according or countersigning the approval, impose such conditions as to the restoration of part or whole of the amount written off to the reserve fund from out of future profits, as he deems fit.

Explanation.—'Losses' includes losses on account of bad debts also.

12-A. *Amount of remission to be communicated by a society to the Debt Adjustment Board.*—The amount of remission to be communicated by a society to the Debt Adjustment Board under sub-section (*4*) of section 47 of the Bombay Agricultural Debtors Relief Act, 1939, shall be in accordance with the general or special directions issued by the Registrar from time to time in that behalf.

13. *Interlending.*—For the purposes of sub-section (*1*) of section 34 a loan also means and includes a deposit made by one society with another society.

14. *Accounts, Returns and documents.*—(1) Every credit society shall keep the following accounts and books, *viz* :—

(*a*) A register of members including persons nominated under section 27 ;
(*b*) A register of shares and debentures (where capital is raised by shares or debentues) ;
(*c*) A share transfer register (where capital is raised by shares or debentures) ;
(*d*) Cash account;
(*e*) Members' loan account ;
(*f*) Deposit account ;
(*g*) Loan register ;
(*h*) Interest account ;
(*i*) Expense account ;
(*j*) Bank account ;
(*k*) Minute book, recording the proceedings of general meetings ;
(*l*) Minute book, recording the proceedings of the Committee ;
(*m*) Register of members' creditworthiness ;
(*n*) Such other accounts and books as may from time to time be prescribed by the Registrar.

Provided the Registrar may exempt any society or class of societies from the operation of clause (*m*) mentioned above.

(2) Societies other than credit societies shall keep the accounts and books mentioned in clauses (*a*), (*d*), (*k*) and (*l*) of sub-rule (1) and such other accounts and books as may be approved or, from time to time, required by the Registrar.

(3) The Registrar may, by order in writing, direct any society to get any or all the accounts and books required to be kept by it under sub-rules (1) and (2) written up to such date, in such form and within such time as he may prescribe.

15. *By whom copies of documents or entries may be certified.*—For the purpose of section 31 copies of documents or entries in the books of a society may be certified by any officer of the society.

16. *Inspection of documents : Fees.*—Members of co-operative societies or the public may inspect the following documents in the Registrar's Office free of charge and may obtain certified copies thereof, on payment of the following fees :—

Application for registration of a society ..	Re. 0–2–0 each.
By-laws of registered societies	Re. 0–2–0 per folio.
Amendment of by-laws of a registered society ..	Re. 0–2–0 per folio.
Certificates of registration	Re. 0–2–0 each.
Orders for cancellation of the registration of a society	Re. 0–2–0 per folio.
Audit memorandum of a registered society ..	Re. 0–2–0 per folio.
Annual balance sheet	Re. 0–2–0 per folio.

17. *Registrar may require statements and returns to be furnished.*—The Registrar may require any society to submit any statement and any periodical return of receipts and disbursements on such dates and in such form as he may prescribe. Every housing society shall submit a property register to the Registrar on such dates and in such form as he may pescribe.

17A. *Preparation of necessary statement or return or accounts or books at the expense of the society.*—In case of failure by any society to submit any statement or or return mentioned in rule 17 or to maintain any account or books mentioned in rule 14, or to get such accounts or books written according to the direction given by the Registrar under rule 14, the Registrar may depute an officer of the State Government to prepare the necessary statement or return or accounts or books at the expense of the society. Such expense shall be recoverabe from the society in the manner specified in section 65.

18. *Periodical financial statements to be furnished.*—All registered societies classified by the Registrar as Central Banks or as Urban Banks with a working capital of more than Rs. 50,000 shall submit to that officer a quarterly finance statement in the form prescribed by the State Government for the quarters ending March 31st, June 30th, September 30th, and December 31st, not later than April 15th, July 31st, October 15th and January 15th respectively.

18A. *Maintenance of fluid resources.*—All societies which obtain any portion of their working capital by deposits shall maintain such fluid resources as may from time to time be prescribed by the Registrar.

19. (1) *Annual balance sheet.*—On or before July 31st of each year the committee of every society shall publish an annual balance sheet, showing (*a*) the profit and loss, and (*b*) the receipts and expenditure of the previous financial year, and (*c*) the assets and liabiities as they stood on June 30th. This balance sheet shall be open to the inspection of any member during office hours at the office of the society and a copy thereof shall be submitted, before August 15th, to the Auditor appointed by the Registrar for the audit of that society.

(2) The annual balance sheet for the year 1934–35 shall be for the period from the 1st day of April 1934 to 30th day of June 1935.

20. *Transfer of Interest.*—The name and address of every person nominated under section 27 and any revocation or variation of such nomination shall be entered in the register kept under rule 14, sub-rule (1), clause (*a*).

21. *Nomination of Persons.*—(1) A member may, by writing under his hand deposited with the society during his life time, or by a statement signed by the member made in any book kept by the society, nominate any person to whom under section 27 his share or interest in the society, or so much thereof as may be specified in such nomination, shall be paid or transferred on his death.

(2) A nomination so made may be revoked or varied by another nomination similarly made.

22. *Distribution of profits.*—In calculating the profits of a society for the year, all accrued interest which is over due shall be deducted from the gross profits of the year before the net profits are arrived at. All accrued interest, that has been so deducted from the profits of the year and is actually recovered during the subsequent year, may be added to the profits of the subsequent year.

23. *Distribution of bonus.*—No registered society shall distribute any bonus on shares beyond the dividend declared under section 38.

24. *Payment of dividend.*—(1) No society shall pay its share-holders a dividend exceeding 6¼ per cent. in any year on the paid-up share capital standing in the name of each share-holder :

Provided that if any consumers', producers', housing or farming society is unable to pay a dividend of 4 per cent. in respect of any year, it may make good the deficit by paying the difference out of profits in future years at any time not later than ten years immediately succeeding the year of such deficit.

(2) A society may credit in any year a sum not exceeding 2 per cent. on the paid-up share capital to a fund called the "Dividend Equalisation Fund" until the total amount in such Fund amounts to 6¼ per cent. of the paid-up share capital :

Provided that except for the purpose of paying a dividend, no withdrawals from such fund shall be made without the previous written sanction of the Registrar.

(3) No society shall declare a dividend at a rate exceeding that recommended by its managing committee or Board of Directors, as the case may be.

25. *Distribution of balance of profits.*—Any dstribution of the remaining balance of profits under section 40 and after the distribution of dividend under section 38 shall be in accordance with the by-laws of the society regarding such distribution. It shall be in proportion to the wages earned by each in the case of a producers' society, and to the amount of goods purchased by each member, or, where it is so provided in the by-laws, by each member or customer, in the case of a consumers' society. It shall also be in proportion to the amount of rent paid by each member in the case of a housing society, and, in the case of a resource society, may be in proportion to the goods obtained or sold through the society by each member, or to the loans borrowed from, and the deposits made with, the society by each member.

26. *Restrictions on distribution of funds by way of bonus, dividend or otherwise.*—Without the sanction of the Registrar, no part of the funds of a registered society shall be divided, by way of bonus or dividend or otherwise, amongst its members in any year unless the entire expenditure incurred by such society has been debited in the annual profit and loss account before the net profit has been calculated :

Provided that any loss or portion of loss or account of bad debts written off during the year may not be so debited if it be deducted from any bad debt or with the sanction of the Registrar from the Reserve Fund.

26-A. *Rate of contribution to educational fund of Provincial Co-operative Institute.*—Every Society which pays a dividend to its members at a rate of 4 per cent. or more shall contribute towards the educational fund of the Bombay Provincial Co-operative Institute at the following rate, namely :—

(*a*) if the rate of dividend for any year is 4 per cent.	1 per cent. of the net profits of the year.
(*b*) if the rate of dividend for any year is more than 4 per cent. but not more than 5 per cent.	1¼ per cent. of the net profits of the year.
(*c*) if the rate of dividend for any year is more than 5 per cent. but not more than 6¼ per cent.	1½ per cent. of the net profits of the year :

Provided that if the net profits of any year of a society do not exceed Rs. 200, the Society shall not be required to contribute anything towards the said educational fund for that year.

26-B. *Co-operative Conference and contributions to expenses thereof by societies.*—No society shall contribute any money towards the expenses of any co-operative conference unless such conference is held under the auspices of a society which is authorised by its bye-laws to hold such conferences. The society holding the conference shall keep separate accounts of its income and expenditure due to such conference and such accounts shall be open to audit by the Registrar or the person authorised by him under section 22.

27. *Investment of funds.*—With the previous sanction of the Registrar any society may invest its funds, or a portion thereof, (*a*) in the shares of the Reserve Bank of India constituted under the Reserve Bank of India Act, 1934, (*b*) in loans raised by a local authority in the State of Bombay under the authority of the Local Authorities Loans Act, 1914 (IX of 1914), (*c*) in the purchase or leasing of land or buildings and (*d*) in the construction of buildings, provided that the purchase of such land or the construction of such buildings is likely to be advantageous to the society in the conduct of its business.

28. *Reserve Fund.*—The reserve fund of any registered society may be utilised in the business of the society, or be invested or deposited in any of the ways mentioned in clauses (*a*), (*b*), (*c*) and (*d*) of section 37. The Registrar may, for reasons to be communicated in writing by him to the society, by general or special order, direct that the latter course be adopted. In the case of a society constituted with the object of co-operative housing on a co-partnership tenancy basis, the reserve fund may be utilised for expenditure on the maintenance, repair and renewal of the buildings of the society

28-A. *Building Fund.*—The fund created by any registered society for the purpose of constructing buildings shall be called the building fund. The amount of such fund may, when it is not utilised for the construction of buildings be used in the business of the society or be invested or deposited in the same manner and subject to the same conditions as the reserve fund of such society is permitted to be used, invested or deposited under the Act and these rules.

29. *Levy of Audit fees.*—The Registrar may levy audit fees on all or any type of societies at such rates as may be fixed with the previous sanction of the State Government. The Registrar shall employ the proceeds of such audit fees in maintaining a staff to audit the accounts of the societies. Such audit fees shall be recoverable under section 65.

30. [*Deleted.*]

31. (1) *Audit of accounts of certain classes of societies.*—The following classes of societies shall get their accounts audited by any of the certified auditors appointed for the time being by the Registrar under section 22 to audit the accounts of such societies—

(*a*) Consumers' Societies with a turnover of Rs. 50,000 and over as at the close of the preceding co-operative year,

(*b*) Urban Banks and societies classed as 'A' or 'B' at the last statutory audit with a working capital of Rs. 50,000 and over as at the close of the preceding co-operative year.

(*c*) Housing Societies having no outstandings against them on account of Government loan, and

(*d*) any other societies notified by the Registrar :

Provided that the Registrar may direct that the accounts of any society shall be audited by an official auditor in any particular year or at certain regular intervals to be specified by him. The societies shall report the name or names of the certified auditors appointed by them for the particular year, to the Registrar or any other officer authorised by him in this behalf, so as to reach him before the 1st day of November every year. Failing the receipt of such report from any society before the said date or before the expiry of such further extension of time as may be granted by the Registrar or any other officer authorised by him, the Registrar or such other officer shall arrange for the audit of such society by an auditor appointed by him.

Explanation.—For the purpose of this sub-rule a certified auditor shall mean an auditor who holds a certificate under section 144 of the Indian Companies Act, 1913 or a Government Diploma in Co-operative Accountancy or Government Diploma in Co-operation and Accountancy or a person who has served as an auditor in the Co-operative Department of Government.

(2) If, after an inquiry under section 43 or an inspection under section 44, the Registrar has grounds for thinking that the audit arranged by the society has been seriously defective, he may order the official auditor to make a fresh audit of the society, and may recover the cost of the audit from the society.

32. *Arbitration.*—When a dispute has been referred to the Registrar under section 54, the Registrar or his nominee shall issue a notice to all parties, and, unless either of the parties desires within 15 days of the issue of such a notice that the matter be referred to arbitration, shall proceed to decide the dispute himself.

When either of the parties desires that the matter be referred to arbitration the Registrar (or his nominee) shall call on each party to nominate its arbitrator within 15 days, and to send a statement signed by the proposed arbitrator about his willingness to serve as an arbitrator. When there are more persons than one on each side, the principal party on each side will have the right to nominate the arbitrator. In such cases the Registrar will decide who is the principal party and his decision shall be final.

Where either of the parties fails to make a nomination within the period aforesaid, the Registrar may nominate an arbitrator on behalf of such party.

The Registrar or his nominee will act as Chairman of the Committee of three Arbitrators. He will fix the date and place of hearing the dispute, and carry on the necessary correspondence in connection with the disposal of the case.

When any dispute is referred to the Registrar's nominee or to three arbitrators for decision and is not decided by them within two months or such further period as the Registrar may allow, the Registrar may decide the dispute himself or refer it again to his nominee for decision.

33. *Registrar may appoint any person to be his nominee for any specified area.*—The Registrar, by special order to be notified in the *Bombay Government Gazette*, may appoint any person to perform the duties of his nominee for disputes arising in any one or more co-operative societies within any area specified in the order, for a period to be specified in the order. Such period shall not ordinarily exceed one year but may be extended by further special order for a further period not exceeding one year in each case.

34. *Payment of expenses of arbitration.*—The Registrar or his nominee and the arbitrators shall have power to order the expenses of determining the disputes to be paid out of the funds of the society, or by such party or parties to the dispute as they may think fit, according to a scale laid down by the Registrar. The Registrar may fix the fees to be paid to his nominee out of the expenses so recovered.

35. *Procedure in arbitration proceedings.*—The Registrar or his nominee shall record a brief note in English or in vernacular of the evidence of the parties and witnesses who attend, and upon the evidence so recorded, and upon consideration of any documentary evidence produced by either side, a decision or award, as the case may be, shall be given in accordance with justice, equity and good conscience, and shall be reduced to writing. If any party duly summoned to attend fails to appear, the dispute may be decided *ex parte*. In cases where three arbitrators are appointed, the opinion of the majority shall prevail. In case of equality of votes, it shall be decided by the Registrar himself.

36. *Appearance by pleaders.*—In proceedings held under rules 32 to 35, no party shall be represented by a legal practitioner.

37. *Execution of arbitration orders in special cases.*—Subject to the provisions of section 59 of the Act, the Registrar may by an order in writing specially authorise any officer of the Co-operative Department not below the rank of a sub-auditor or a supervisor of a Supervising Union to call for and send arbitration orders obtained by any society for execution. The societies in respect of which these powers are to be exercised by the officers so authorised shall be mentioned in the order.

37-A. [*Deleted.*]

38. *Liquidation.*—Where a Liquidator has been appointed under section 47 the following procedure shall be adopted :—

(1) The appointment of the Liquidator shall be notified by the Registrar in the *Bombay Government Gazette*.

(2) The Liquidator shall at once take charge of the books and property and assets of the society and publish by such means as he may think proper a notice requiring all claims against the society to be notified to him within two months

of the publication of the notice. He shall thereafter proceed to take such further action as he is empowered to take under the Act. All liabilities recorded in the account books of a society shall be deemed to have been duly notified to the Liquidator.

(3) The Liquidator shall make separate orders against the various members and past members of the society, noting the amount to be realised from each as a contribution under clause (*d*) of section 50 and as the cost of liquidation under clause (*i*) of the said section. These orders shall be submitted for approval to the Registrar, who may modify them or refer them back to the Liquidator for further inquiry or other action or may forward them for execution under section 59.

(4) If the sum assessed against any member is not recovered, the Liquidator may frame a subsidiary order or orders against any other member or members to the extent of the liability of each for the debts of the society, until the whole amount due from members is recovered, and these orders shall be dealt with in the same way as orders under sub-rule (3).

(5) The Liquidator shall submit a quarterly progress report to the Registrar in such form as the Registrar may require.

(6) All funds in charge of the Liquidator shall be deposited in the Post Office Savings Bank or in a Central Co-operative Bank, or in the Imperial Bank of India and shall stand in his name.

(7) [*Deleted.*]

(8) The Registrar shall fix the amount of fee, if any, to be paid to the Liquidator.

(9) At the conclusion of the Liquidation a general meeting of the members of the society shall be called at which the Liquidator shall summarise his proceedings, point out the causes of the failure of the society, and report what sum, if any, remains in his possession after meeting all the liabilities of the society, as determined under the rules.

39. *Execution of orders.*—Every order passed by the Registrar under section 50A and every order issued under section 55, shall, if not carried out, be executed, in accordance with section 59.

39-A. *Recovery of costs of execution when property is not sold.*—When recovery is made under section 59 in execution of any order referred to in the said section, and the property is not sold in such execution, the Registrar may order the expenses of such recovery to be paid by any party in default according to a sale laid down by him not exceeding in aggregate five per centum of the amount of the dues.

39-B. *Recovery of expenses when recovery of the dues is made through village officers.*—Subject to the provisions of rule 39-A, when recovery is made under section 59 in execution of any order referred to in the said section by village officers the Registrar may order the expenses of such recovery to be paid out of the funds of the society or by such party or parties in default as he may think fit, according to a scale laid down by the Registrar.

40. *Disposal of records of a society whose registration is cancelled.*—(1) When an order directing a society to be wound up is issued under section 47 and no Liquidator is appointed, the officers of the society which is wound up shall, within 15 days of the publication of the order in the *Bombay Government Gazette*, send by registered book post or railway parcel, the records and books of the society to the Assistant Registrar or hand over the same to the local Auditor.

(2) When the affairs of a society for which a Liquidator has been appointed have been wound up and an order cancelling the registration is made under section 49, the Liquidator will forward all the books and records of the cancelled society, and all his own papers and proceedings, by railway parcel to the Assistant Registrar, together with an account of his expenses, showing how the balance has been disposed of, and attaching the receipt of the person to whom it was handed over.

(3) All the books and records of a society whose registration has been cancelled and the proceedings of liquidation shall be destroyed by the Assistant Registrar, after the expiry of two years from the date of the order cancelling the registration of the society.

41. *Interest in liquidation proceedings.*—On any debt, which is due from a society that is being wound up, the creditor may prove for interest up to the date of the Registrar's order for winding up at a rate, which, in the case of the Bombay Provincial Co-operative Bank or a District Central Co-operative Bank or other Co-operative Bank permitted by the Registrar to finance societies, shall be the contract rate, and in other cases shall be a rate to be fixed by the Registrar and not exceeding the contract rate :

Provided that, if any surplus assets remain after all liabilities, including liabilities on shares, have been paid off, further interest on such debts at a rate to be fixed by the Registrar and not exceeding the contract rate may be allowed to creditors from the date mentioned above up to the date of the repayment of the principal.

42. *Service of summonses miscellaneous.*—Summonses issued by the Registrar, or by a person authorised to hold an inquiry or to make an inspection or by the Auditor or Liquidator, or by the Registrar's nominee, under section 58, shall, if sent for service to a Mamlatdar or Mahalkari, be served by such officer.

43. *Fees to be credited to State Government.*—All (fees) fines levied under section 61 and rule 42 shall be credited to the State Government.

44. *Mode of serving summonses.*—(1) A summons issued by any of the officers mentioned in rule 42 may be served personally or through a Mamlatdar, Mahalkari or any member of the Co-operative Department or any Honorary Organiser or Chairman or Secretary of the society or by registered post, acknowledgment paid.

(2) The serving officer shall, in all cases in which summons has been served, endorse or annex, or cause to be endorsed or annexed, on or to the original summons, a return stating the time when, and the manner in which, the summons was served, and the name and address of the person (if any) identifying the person served and witnessing the delivery or tender of the summons.

(3) The person issuing the summons may examine the serving officer on oath, or cause him to be so examined by the Mamlatdar or Mahalkari through whom it is served, and may make such further inquiry in the matter as he thinks fit ; and shall either declare that the summons has been duly served or order it to be served in such manner as he thinks fit.

44-A. *Procedure for the custody of property attached under section 55 of the Act.*—

Attachment of moveable property, other than agricultural produce, in possession of debtor.

(1) Where the property to be attached is moveable property, other than agricultural produce, in the possession of the debtor the attachment shall be made by actual seizure, and the attaching officer shall keep the property in his own custody or in the custody of one of his subordinates, or of a Receiver, if one is appointed under sub-rule (3) and shall be responsible for the due custody thereof :

Provided that, when the property seized is subject to speedy and natural decay, or when the expense of keeping it in custody is likely to exceed its value, the attaching officer may sell it at once.

(2) Where it appears to the officer ordering conditional attachment under section 55 to be just and convenient, he may appoint a Receiver for the custody of the moveable property attached under sub-rule (1); and his duties and liabilities shall be identical with those of a Receiver appointed under Order XL of Schedule I to the Code of Civil Procedure, 1908.

(3) (*i*) Where the property to be attached is immoveable, the attachment shall be made by an order prohibiting the debtor from transferring or charging the property in any way, and all persons from taking any benefit from such transfer or charge.

Attachment of immoveable property.

(*ii*) The order shall be proclaimed at some place on or adjacent to such property by beat of drum or other customary mode, and a copy of the order shall be fixed on a conspicuous part of the prope ty and then upon a conspicuous part of the Village Chawdi, and also where the property is land paying revenue to the State Government, in the office of the Collector of the district and in the office of the Mamlatdar or Mahalkari of the taluka or mahal, in which the land is situate.

45. *Restriction on membership of two credit societies.*—No person being a member of a co-operative credit society or any society dispensing credit, other than a land mortgage bank or a central financing society or a sale society, shall be a member of any other society of a similar type, without the general or special sanction of the Registrar and where a person has become a member of two or moe such societies, any or all such societies shall be bound to remove him from membership upon receiving a written requisition from the Registrar to that effect.

45-A. *Consumers' society not to refuse admission to membership without sufficient cause.*—(1) No Consumers' society shall, without sufficient cause, refuse admission to membership to any person duly qualified therefor under its by-laws.

(2) Any person aggrieved by the decsion of a Consumers' society refusing admission to him to its membership may appeal to the President of the Federal Society to which the said society is affiliated or if it is not affiliated to any Federal Society, to the President of the Bombay Provincial Co-operative Institute.

(3) The decision of the President of the Federal Society or of the Bombay Provincial Co-operative Institute in appeal shall be final.

46. *Societies not to be involved in controversial matters of a religious character.*—No society may take any action which would involve the society in the discussion or propagation of controversial opinions of a religious character, and the Registrar may prohibit any action or rescind any resolution which in his opinion is of such a tendency.

47. *Registrar to keep a record of names, addresses and by-laws of societies.*—The Registrar shall keep a register of the names and addresses of all registered societies and shall record a copy of the registered by-laws and subsequent amendments to the by-laws of such societies.

47-A. *Restriction on being member of Committee.*—(1) A member of a Consumers' society who carries on business of the kind carried on by such society shall not be eligible to be a member of the Committee of such society without the general or special sanction of the President of the Federal Society to which the said society is affiliated, or if it is not affiliated to any Federal Society, of the President of the Bombay Provincial Co-operative Institute.

(2) Where such a person has been elected a member of the Committee of such society without the sanction of the President of the Federal Society or of the President of the Bombay Provincial Co-operative Institute, such person shall cease to be a member of such society upon receipt by the Committee of a written requisition in this behalf from the President of the Federal Society or of the Bombay Provincial Co-operative Institute.

48. (1) Notwithstanding anything contained in the bye-laws of a society, the State Government may, by an order published, with the reasons therefor, in the *Bombay Government Gazette*,—

(*a*) remove all the members of the committee of a society and appoint a new committee in their place, or

(*b*) remove any of the members of the committee of a society and appoint on or more members, as the case may be, in the place of the member or members so removed :

Provided that the number of members of a new committee appointed under clause (*a*) shall not in any case exceed nine :

Provided further that before making such order the State Government shall, except when, in the opinion of the State Government there is an emergency, consult the Bank, if any, financing the society and give an opportunity to the committee or the member or members concerned to show cause why such order should not be made.

(2) When the State Government have appointed a new committee under clause (*a*) of sub-rule (1), the State Government may direct that the members of such committee shall hold office for a period not exceeding three years from the date of their appointment. The member or members appointed under clause (*b*) of sub-rule (1) shall hold office so long only as the member or members, in whose place he is or they are appointed, would have held office, if the vacancy or vacancies had not occurred.

(3) The committee or the members so appointed shall, during the period in which they hold office under sub-rule (2), perform the duties and exercise the powers of the members of the committee of the society.

(4) The bye-laws relating to the meetings of a committee of the society shall apply to the meetings of the new committee appointed under clause (*a*) of sub-rule (1) except that the quorum shall be three.

49. *Issue of proclamation prohibiting private transfers of property.*—(1) The Registrar, Liquidator or Assistant Registrar acting under clause (*a*) or clause (*b*) of sub-section (*1*) of section 59 of the Act shall, at the same time that he signs a certificate affecting any property, issue a proclamation in the form prescribed in Schedule B annexed hereto and, in the case of immoveable property, shall also forward a copy of the proclamation to the Mamlatdar of the taluka in which the property is situated.

(2) The Mamlatdar shall cause an entry about such certificate to be made in the record of Rights.

50. *Transfer of property under section 59A.*—(1) When in execution of an order sought to be executed under section 59 any property cannot be sold for want of buyers, if such property is in the possession of the defaulter, or of some person on his behalf, or of some person claiming it under a title created by the defaulter subsequently to the issue of the certificate by the Registrar, Liquidator or Assistant Registrar under clause (*a*) or (*b*) of sub-section (*1*) of the said section,

the officer conducting the execution shall as soon as practicable report the fact to (*a*) the Court or the Collector, as the case may be, and (*b*) the society which applied for the execution of the said order.

(2) On receipt of a report under sub-rule (1) the society may, within six months from the date of the receipt of the report or within such further period as may for sufficient reasons be allowed in any particular case by the Court or the Collector, as the case may be, submit an application in writing to the Court or the Collector, as the case may be, stating the terms and conditions on which it agrees to take over such property.

(3) On receipt of an application under sub-rule (2), notices shall be issued to the defaulter and to all persons known to be interested in the property, including those whose names appear in the Record of Rights as persons holding any interest in the property, about the intended transfer.

(4) On receipt of such a notice, the defaulter, or any person owing such property, or holding an interest therein by virtue of a title acquired before the date of the issue of a certificate under section 59 may, within one month from the date of the receipt of such notice, deposit with the Court or the Collector, as the case may be, for payment to the society a sum equal to the amount due under the order sought to be executed together with interest thereon and such additional sum for payment of costs and other incidental expenses as may be determined in this behalf by the Court or the Collector, as the case may be.

(5) On failure of the defaulter, or any person interested, or any person holding any interest in the property to deposit the amount, under sub-rule (4), the Court or the Collector, as the case may be, shall direct the property to be transferred to the society on the conditions stated in the certificate in the form prescribed in Schedule C annexed hereto.

(6) The certificate granted under sub-rule (5) shall state whether the property is transferred to the society in full or partial satisfaction of the amount due to it from the defaulter.

(7) If the property is transferred to the society in partial satisfaction of the amount due to it from the defaulter, the Court or the Collector, as the case may be, shall, on the production by the society of a certificate signed by the Registrar, recover the balance due to the society in the manner prescribed in section 59.

(8) The transfer of the property under sub-rule (5) shall be effected as follows :—

(*i*) In the case of moveable property—

(*a*) Where the property is in the possession of the defaulter himself or has been taken possession of on behalf of the Cou t or the Collector it shall be delivered to the Society.

(*b*) Where the property is in possession of some person on behalf of a defaulter, the delive y thereof shall be made by giving notice to the person in possession directing him to give actual peaceful possession to the society, and prohibiting him from delivering possession of the property to any other person.

(*c*) The property shall be delivered to a person authorised by the society to take possession on behalf of the society.

(*ii*) In the case of immoveable property—

(*a*) Where the property is a growing or standing crop, it may be delivered to the society before it is cut and gathered and the society shall be entitled to enter on the land, and to do all that is necessary for the purpose of tending and cutting and gathering it.

(*b*) Where the property is in the possession of the defaulter or of some person on his behalf or some person claiming under a title created by the defaulter subsequent to the issue of a certificate under section 59, the Court or the Collector, as the case may be, shall order delivery to be made by putting the society or any person whom the society may appoint to receive delivery on its behalf in actual possession of the property and if need be by removing any person who illegally refuses to vacate the same, after holding an enquiry as provided in rules 13A to 13C of the rules regulating execution of decrees transferred to the Collector under section 68 of the Code of Civil Procedure, 1908.

(*c*) Where the property is in the possession of a tenant or other person entitled to hold the same by a title acquired before the date of issue of a certificate under section 59, the Court or the Collector, as the case may be, shall order delivery to be made by affixing a copy of the certificate of transfer of the property to the society in some conspicuous place on the property and proclaiming to such person by beat of drum or other customary mode at some convenient place, that the interest of the defaulter has been transferred to the society.

(9) The society shall be required to pay expenses incidental to sale including the cost of maintenance of live-stock, if any, according to such scale as may be fixed by the State Government from time to time.

(10) Where land is transferred to the society under clause (*ii*) (*a*) of sub-rule (8) before a growing or standing crop is cut and gathered the society shall pay the current year's land revenue on the land.

(11) The society shall forthwith report any transfer of property under clause (*ii*) (*b*) or (*c*) of sub-rule (8) to the village accountant for information and entry in the record of rights.

(12) The society to which property is transferred under sub-rule (5) shall maintain for each such defaulter a separate account showing all the expenses incurred including payment of outside encumbrances, land revenue and other dues on the property and all the income derived from it.

(13) The society to which property is transferred under sub-rule (5) shall use its best endeavour to sell the property as soon as practicable to the best advantage of the society as well as that of the defaulter, the first option being always given to the defaulter who originally owned the property. The sale shall be subject to confirmation by the Assistant Registrar. The proceeds of the sale shall be applied to defraying the expenses of the sale and other expenses incurred by the society and referred to in sub-rules (9) and (12) and to the payment of the arrears due by the defaulter under the order in execution, and the surplus (if any) shall then be paid to the defaulter.

(14) Until the property is sold, the society to which the property is transferred under sub-rule (5) shall use its best endeavours to lease it or to make any other use that can be made of it so as to derive the largest possible income from the property.

(15) When the society to which property is transferred under sub-rule (5) has realized all its dues under the order in execution of which the property was transferred from the proceeds of management of the property, the property, if unsold, shall be restored to the defaulter.

51. *Officer before whom statements under section 64G may be signed.*—The officer before whom the statements of owners referred to in clause (*d*) of section 64G may be signed shall be such officer as may be authorised by the Registrar in this behalf.

SCHEDULE A.

(*See* rule 2.)

Form of Application for Registration of a Society.

1. Name of proposed Society

2. Address to be registered

3. Is liability limited or unlimited

4. Area of operations

5. Objects of the Society

6. If the capital is to be raised by shares, what is the number and value of shares which it is proposed to issue

7. In other cases, what is the amount of the capital it is proposed to raise by loan or deposit

7-A. The amount of preliminary expenditure incurred by the promoters till the date of the application and the estimate of expenditure likely to be incurred by them thereafter with a view to getting the society registered

8. Language in which the books and accounts will be kept

9. With this application for registration are sent three copies of the proposed by-laws signed by the applicants (not less than ten).

(Signatures)

Name and father's name.	Age.	Caste.	Profession.	Place of residence, village and taluka.

SCHEDULE AA.

(*See* rule 6-B.)

Form of notice to persons other than share-holders and creditors of a society whose interests will be affected by the division of a society.

Notice is hereby given, pursuant to section 15A (2) of the Bombay Co-operative Societies Act, 1925, by the
Society Limted registered under No. dated the
and having its registered office at
to all persons concerned that the society proposes to divide itself into (1) society
and (2) society
and a preliminary resolution to that effect has been passed at a special general meeting of the society held on
The assets and liabilities of the said societies, their areas of operation and the members, who will constitute each of these societies on division, are given in the schedule mentioned below :—

Schedule.

Particulars of (1) Society :—

(1) Assets and liabilities.

(2) Area of operation.

(3) Names of members.

Particulars of (2) Society :—

(1) Assets and liabilities.

(2) Area of operation.

(3) Names of members.

Any person whose interests are affected by the proposed division, may send his objections, if any, to the office of the Society within 10 days from the date of this notice.

Dated 19 .

Secretary,
By order of the Board/Managing Committee.

SCHEDULE B.

Form of proclamation to be issued prohibiting any private transfer or delivery of or encumbrance or charge on the property made or created after the issue of a certificate under section 59.

A. In the case of immovable property—

Whereas society has obtained an award or awards under section 54 or an order or orders of liquidator under section 50 of the Bombay Co-operative Societies Act, 1925, for an amount of Rs. against and proposes to execute the same by sale of the undermentioned property of the said defaulter or defaulters and whereas the said society has obtained a certificate dated the for execution of the award or the order, as the case may be, under section 59 of the said Act notice is hereby given that any private transfer or delivery of or encumbrance or charge on the property made or created after the issue of the certificate shall be null and void as against the said society.

Description of property.

Date of award or order.	Names of the parties against whom award or order has been passed and certificate under section 59 has been issued.	Survey No.	Area.	Assessment.	Remarks.

The notice shall be proclaimed at some place on or adjacent to such property by beat of drum or other customary mode, and a copy of the said notice shall be fixed on a conspicuous part of the property and then upon a conspicuous part of the village chavdi, and also where the property is land paying revenue to the State Government, in the office of the Collector of the district in which the land is situate.

B. In the case of moveable property a similar notice may be given with necessary change as to the description of the property. A copy of the notice shall be delivered to the defaulter.

SCHEDULE C.

FORM OF CERTIFICATE FOR TRANSFER OF PROPERTY UNDER SECTION 59A.

[*See* Rule 50 (5).]

In the case of immovable property.

Whereas in execution of the award or awards passed under section 54 or an order or orders made by a liquidator under section 50, of the Bombay Co-operative Societies Act, 1925, in favour of the Society an order was made on the day of 19 for the sale of the undermentioned property of the person or persons (defaulter or defaulters) and whereas the Court or the Collector is satisfied that the said property cannot be sold for want of buyers.

It is hereby ordered under sub-section (*1*) of section 59A of the said Act that the right, title and interest of the defaulter shall vest in the said society and shall be delivered to the society subject to the terms and conditions laid down in the Schedule hereto annexed.

Description of the property.

Survey No.	Area and assessment.	Nature of right, title and interest of the defaulter.	Details of encumbrances to which property is subject.

The said property is transferred to the society in $\frac{\text{full}}{\text{partial}}$ satisfaction of the amount due to it from the defaulter.

Given under my hand and the seal of the Court or Collector this day of 19 .

Court or Collector.

In the case of moveable property.

(The form will be similar with necessary changes as regards the description and the delivery of the property.)

G. N., R. D., No. 9114/45, dated 14th September 1948 (B. G., Pt. IV-B, p. 811).

S. 71. Bombay Co-operative Tribunal Rules, 1948.

In exercise of the powers conferred by section 71 of the Bombay Co-operative Societies Act, 1925 (Bom. VII of 1925), the Government of Bombay is pleased to make the following additional rules, namely :—

1. These rules may be called the Bombay Co-operative Tribunal Rules, 1948.

2. In these rules, unless there is anything repugnant in the subject or context,—

(*a*) " member " means a member of the Tribunal and includes the President thereof ;

(*b*) " non-official " means a person who at the date of his appointment as member does not hold any office of profit under the Government of India, or the Government of any State.

3. The Tribunal shall consist of a President and two other members.

4. (1) The President shall be a person who has been a Judge of any High Court of Judicature in India or is a retired District Judge, or a person who has held the office of the Registrar of Co-operative Societies under any State Government in India.

(2) The other two members shall be non-officials closely associated with the Co-operative Movement and at least one of these two shall be a lawyer with a standing of not less than ten years.

5. (1) The President and the members shall hold office ordinarily for a period of five years.

(2) A person who has held office as the President or a member for a period mentioned in sub-rule (1) shall be eligible for reappointment.

(3) The President or a member may at any time resign his office.

6. Notwithstanding anything contained in rule 5, the State Government may terminate at any time the appointment of the President or a member, if, in its opinion, such President or member is unable or unfit to continue to perform the duties of his office.

7. (1) If any vacancy occurs by leave of absence, deputation, death, resignation, expiry of the period of appointment, termination of the appointment or for any other cause whatsoever, such vacancy shall be filled by a person qualified for appointment under rule 4.

(2) Until the vacancy in the office of the President is filled under sub-rule (1), the senior-most member shall act as the President.

8. The headquarters of the Tribunal shall be at Bombay or at such other place as may hereafter be notified by Government in the *Official Gazette*.

APPENDIX A.

Bom. Co-opt. T., No. 9114/45-II, dated 21st June 1949 (B. G., Pt. IV-C, p. 538).

S. 63-A (4) Bombay Co-operative Tribunal Regulations, 1949.

The following regulations made by the Bombay Co-operative Tribunal constituted under section 63-A of the Bombay Co-operative Societies Act, 1925 (Bom. VII of 1925), in exercise of the powers conferred on it by sub-section (*4*) of the said section 63-A and with the previous sanction of the Government of Bombay, are hereby published as required by sub-section (*5*) of the said section :—

REGULATIONS.

CHAPTER I.

General.

1. *Short title.*—These regulations may be called the Bombay Co-operative Tribunal Regulations, 1949.

2. *Definitions.*—In these regulations, unless there is anything repugnant in the subject or context,

(*a*) " Act " means the Bombay Co-operative Societies Act, 1925 ;

(*b*) " appeal " means a memorandum of appeal to the Tribunal filed under section 56 of the Act ;

(*c*) " application for revision " means an application for revision made to the Tribunal for the exercise of its powers under section 54-A or sub-section (*6*) of section 63-A of the Act ;

(*d*) " form " means a form appended to these regulations ;

(*e*) " legal representative " means a person who in law represents the estate of a deceased person and includes any person decided by the Tribunal to represent the deceased person in the proceedings pending before the Tribunal, unless and until a competent court has decided otherwise ;

(*f*) " pleader " means a pleader as defined in section 2 (*15*) of the Code of Civil Procedure, 1908 ;

(*g*) " President " means the President of the Tribunal ;

(*h*) " Registrar of the Tribunal " includes a person who is for the time being discharging the functions of the Registrar of the Tribunal ;

(*i*) " Rules " means the Bombay Co-operative Societies Rules, 1927, and the word " rule " shall be construed accordingly ;

(*j*) " Tribunal " means the Bombay Co-operative Tribunal constituted under section 63-A of the Act ;

(*k*) Words and expressions used but not defined in these regulations shall have the meanings assigned to them in the Act and the Rules.

CHAPTER II.

Sittings and Office hours.

3. *Place of hearing.*—(1) The headquarters of the Tribunal shall be at Bombay.

(2) All appeals and applications for revision shall ordinarily be heard at Bombay :

Provided that the Tribunal may, by reason of the great number of such appeals or applications in respect of any area or for any other reason, hear them at any other convenient place in the State of Bombay.

(3) Sufficient notice about the sitting of the Tribunal outside Bombay shall be given by publication on the notice board of the Tribunal and in any two newspapers having circulation at the place where the sitting is to be held.

4. *Notice of date of hearing.*—The Registrar of the Tribunal shall, with the approval of the President, arrange for the sittings of the Tribunal for hearing the appeals and applications for revision and publish the dates fixed for the hearing thereof on the notice board of the Tribunal sufficiently in advance.

5. *Office hours.*—The office of the Tribunal shall observe the same office hours as the other offices of the State Government. It shall remain closed on Sundays and such holidays as may be declared by Government for such offices.

Chapter III.

Presentation, registration and admission of appeals and applications.

6. *Presentation of appeals and applications.*—(1) An appeal or an application for revision shall be presented in person by the appellant or applicant, as the case may be, or by his duly appointed agent, to the Registrar of the Tribunal during office hours or sent to him by registered post.

(2) When such appeal or application is presented by an agent, it shall be accompanied by a letter of authority appointing him as such, and bearing the prescribed stamp.

(3) Every such appeal or application shall be made in accordance with the provisions of the Act, the Rules and these Regulations.

(4) Every appeal or application shall be accompanied by one certified copy and two uncertified copies of the order complained of and by three copies of the appeal or application, unless the production of any of the copies is dispensed with by the President.

(5) Every appeal or application shall specify the name and address of the appellant or the applicant and also the names and the addresses of the respondents or the opponents, as the case may be.

7. *Registration of appeals and applications.*—(1) On receipt of an appeal or an application for revision, the Registrar of the Tribunal shall endorse on it the date of its receipt by him. The Registrar shall, as soon as possible, examine it and on satisfying himself—

(*i*) that the person presenting it has authority to do so ;

(*ii*) that it is made within the prescribed time, if any ; and

(*iii*) that it conforms to all the provisions of the Act, the Rules and these regulations,

shall cause it to be registered in the appropriate register maintained under regu ation 8.

(2) If the Registrar of the Tribunal finds that the appeal or application presented to him does not conform with any of the said provisions, he shall make a note on the appeal or application to that effect and may ca l upon the party concerned or his agent to remedy the defects within a period of seven days of the receipt of notice to do so. The Registrar may, for good cause, extend the period for the purpose of remedying the defects, provided that if the extension of more than seven days in the aggregate is sought, the Registrar shall place the matter before the President and obtain his orders in that behalf.

(3) If the defect is remedied within the period allowed under sub-regulation (2), the Registrar shall cause the appeal or application, as the case may be, to be registered in the appropriate register.

(4) If the party concerned or his agent fails to remedy the defects within the said period, the Registrar shall report to the Tribunal and, with the approval of the President, fix a date for the hearing, of which due notice shall be given to the party or his agent.

(5) On the date so fixed the Tribunal shall go through the relevant papers, hear the party or his agent, if present, and pass suitable orders directing that the appeal or application be registered or rejecting it. Where the appeal or application is rejected, the Tribunal shall record its reasons for doing so.

(6) When an appeal or application has been ordered to be registered under this regulation, the Registrar shall see that it is registered as soon as practicable and in any case not later than seven days from the date of the order requiring it to be registered.

8. *Maintenance of registers.*—The Registrar of the Tribunal shall maintain separate registers for—

(*i*) appeals in Form A ; and

(*ii*) applications for revision in Form B.

9. *Intimation to the Registrar of the Co-operative Societies.*—When any appeal or application has been registered under regulation 7, the Registrar of the Tribunal, shall, as soon as may be, send an intimation thereof in Form C to the Registrar of the Co-operative Societies calling for the record and proceedings relating to such appeal or application, unless the papers are already in the office of the Tribunal.

10. *Admission.*—(1) On receipt of the record and proceedings of the appeal or application, as the case may be, the President shall go through the papers, and if he is of the opinion that there is substance in the appeal or application, he shall admit it.

(2) If the President is of the opinion that there is no substance in the appeal or application he may direct (*a*) that it be placed before the Tribunal for preliminary hearing on a date to be fixed by him, of which notice shall be given to the appellant or applicant or (*b*) that the papers be circulated among the members of the Tribunal with a view to ascertain their opinion, whether the appeal or application should be admitted or not. The appeal or the application shall be admitted or rejected in accordance with the opinion of the majority of the Tribunal, provided that no appeal or application shall be rejected unless an opportunity has been given to the appellant or the applicant, as the case may be, to represent his case before the Tribunal. If the appeal or application be rejected, the Tribunal shall give reasons for doing so.

(3) A notice under sub-regulation (2) shall declare that if the party does not appear before the Tribunal either in person or through agent on the date mentioned in the notice the appeal or application, as the case may be, shall be heard and decided *ex parte*.

CHAPTER IV.

Hearing, Adjournment and Judgment.

11. *Notice to Respondent or Opponent.*—After an appeal or application for revision has been admitted, a notice shall be delivered or sent by registered post to the respondent or opponent calling upon him to appear before the Tribunal on the date specified in the notice. The notice shall also declare that if he does not

appear before the Tribunal either in person or through an agent on the date specified in the notice or on any subsequent date to which the hearing may be adjourned, the Tribunal shall hear and decide the appeal or the application *ex parte*.

12. *Procedure at the hearing.*—On the date fixed or on any other day to which the hearing may be adjourned, the appellant or applicant or his agent, or if permitted by the Tribunal his pleader shall ordinarily be heard first in support of his appeal or application. The respondent or the opponent or his agent or if permitted by the Tribunal his pleader, shall, if necessary, he heard next ; and in such case the appellant or applicant or his agent or his pleader (if permitted) shall be entitled to reply.

13. *Hearing in the absence of the parties.*—(1) If, on the date fixed for hearing or on any other day to which the hearing may be adjourned, the appellant or the applicant does not appear either in person or by his agent or pleader (if allowed), when the appeal or application is called for hearing, the Tribunal may dismiss the appeal or application or may decide it on merits, after hearing the respondent or opponent or his agent (or pleader if permitted), if present.

(2) If, on the day fixed for hearing or on any other day to which the hearing may be adjourned. the respondent or opponent does not appear either in person or through his agent or pleader (if permitted) when the appeal or application is called for hearing, the Tribunal may decide the same on merits, after hearing the appellant or applicant or his agent or pleader (if permitted), if he be present.

14. *Restoration of appeals and applications decided ex parte.*—If any of the parties was absent at the date of the hearing, either preliminary or final, and the appeal or application was heard and decided *ex parte*, the party concerned may apply for restoration of the appeal or the application, and if the party satisfies the Tribunal that he had no notice of the date of hearing or that he was prevented from any sufficient cause from appearing when the appeal or application was called for hearing, the Tribunal may restore the appeal or application to its file, provided that where the other party had appeared in the appeal or application, such party shall be given notice and an opportunity of being heard before the order for restoration of the appeal or application is made.

15. *Fresh evidence and witnesses.*—(1) No party to an appeal or an application for revision shall be entitled to adduce fresh evidence, whether oral or documentary, before the Tribunal. The Tribunal may accept documents tendered by a party or call for them, if it is of opinion that they are necessary for deciding the appeal or application, provided that the other party shall in that case be entitled to produce rebutting evidence.

(2) If the Tribunal is of opinion that any witness should be examined, it may, instead of examining him before itself, ask the Registrar of the Co-operative Societies to do so personally or through a Gazetted officer subordinate to him.

(3) Where fresh evidence has been adduced under sub-regulation (1) or a witness has been examined as provided in sub-regulation (2), the parties, may, if they so desire, address the Tribunal on points arising out of the fresh evidence or the deposition of the witness.

16. *Adjournment.*—The Tribunal may on such terms as it thinks fit, and at any stage, adjourn the hearing of any appeal or application.

17. *Procedure in case of death of one of the several appellants or applicants or of sole appellant or applicant.*—If an appellant or applicant dies, while the appeal or application is pending and it cannot be proceeded with unless his legal representative is made a party to the appeal or application, the Tribunal shall adjourn further

proceedings to enable his legal representative to appear and apply for being made a party. If the legal representative fails to do so within 90 days from the date on which the appellant or applicant dies, the appeal or the application shall abate as regards the deceased, and if he be the sole appellant or applicant the appeal or application shall be dismissed. Otherwise it shall be proceeded with as regards the remaining appellants or applicants.

18. *Procedure in case of death of one of several respondents or opponents or of sole respondent or opponent.*—If a respondent or opponent dies while the appeal or application is pending, and it cannot be proceeded with unless his legal representative is made a party to the appeal or application, the appellant or the applicant shall apply to the Tribunal for making the legal representative of such respondent or opponent a party to the appeal or application within 90 days from the date on which the respondent or opponent died. If the appellant or applicant fails to do so, the appeal or application shall abate as regards the deceased. If the deceased be the sole respondent or opponent, the appeal or application shall be dismissed. Otherwise, it shall be proceeded with as regards the remaining respondents or opponents.

19. *No abatement by reason of death after hearing.*—Notwithstanding anything contained in regulations 17 and 18, there shall be no abatement by reason of the death of any party, between the conclusion of the hearing and the pronouncing of the judgment; but the judgment may in such case be pronounced notwithstanding the death, and shall have the same force and effect as if it had been pronounced before the death took place. No legal representative need be made party in such case.

20. *Determination of legal representative.*—If a question arises in any appeal or application whether a person is or is not the legal representative of a deceased party, such question may be determined by the Tribunal in a summary way after taking evidence, if necessary.

21. *Procedure in case of assignment.*—In any case where the business of a party to an appeal or application before the Tribunal is, during the pendency of it, assigned or devolves wholly or in part to or upon some other person or Society, the appeal or application may, by leave of the Tribunal, be continued by or against such person or Society.

22. *Procedure in case of insolvency.*—If a party to an appeal or application, becomes insolvent and his estate becomes vested in the assignee or receiver, the latter may, by leave of the Tribunal, be made a party to the appeal or application.

23. *Abatement or dismissal for failure of legal representative, etc., to apply in time may be set aside.*—A person claiming to be the legal representative of a deceased appellant or applicant or the assignee or receiver of an insolvent appellant or applicant may apply, within 60 days from the date of abatement or dismissal of the appeal or application, to have the abatement or dismissal set aside, and if it is proved to the satisfaction of the Tribunal that he was prevented by sufficient cause from appearing within time, the abatement or dismissal shall be set aside by the Tribunal and the appeal or application proceeded with.

24. *Tribunal.*—Every appeal or application for revision shall be heard by all the members of the Tribunal sitting together; but any interlocutory application in such appeal or application may be heard by one or more members of the Tribunal who may be present.

25. *Pronouncement of judgment.*—(1) When the hearing of an appeal or application is complete, the Tribunal shall pronounce its judgment forthwith or shall fix a date for the same. Such dates shall be notified on the notice board of the Tribunal.

(2) Every judgment of the Tribunal shall be in writing.

26. *Unanimous or majority judgment.*—Where the judgment is unanimous, it shall be signed by all the members and pronounced by the President in open Court. Where it is a judgment of the majority, it shall be similarly signed by the members forming the majority and pronounced by the senior member among them. The dissenting member may also write his judgment and record his opinion on the point or points on which he dissents. If the dissenting member does not write his judgment separately, he shall state below the judgment of the majority that he dissents and sign an endorsement to that effect. Whether the dissenting member complies with the foregoing provisions or not, the judgment of the majority shall operate as the judgment of the Tribunal.

27. *Certain matters to be specified in the judgment.*—The Tribunal shall, in its judgment, state at the end, whether the appeal or application is dismissed or allowed wholly or in part and mention the relief, if any, granted to the appellant or applicant.

28. *Costs.*—(1) The costs of the appeal or application shall be in the discretion of the Tribunal.

(2) In its final order the Tribunal shall state who shall bear the costs and in what proportion, if any.

(3) A bill of costs shall be drawn up by the Registrar of the Tribunal in Form D, and attached to the judgment.

29. *Supply of certified copies of judgment to the Registrar of the Co-operative Societies and the parties concerned.*—A certified copy of every judgment of the Tribunal shall be forwarded to the Registrar of the Co-operative Societies as soon as practicable. Certified copies of it shall also be supplied free of cost and on application to the parties concerned.

Chapter V.

Miscellaneous.

30. *Appearance of pleaders.*—Pleaders shall not ordinarily be entitled to appear in proceedings before the Tribunal. They may, however, be permitted by the Tribunal to do so having regard to the nature or other circumstances of a particular case.

31. *Period for entertaining revision application.*—The Tribunal shall not ordinarily entertain applications for revision made after 60 days from the date of the order complained of (after excluding the time required for obtaining a certified copy thereof) but it may in special cases entertain an application beyond the period mentioned above.

32. *Copies of documents on payment of fees.*—(1) Any party to the appeal or application before the Tribunal may apply to the Registrar of the Tribunal for a certified copy of any document (including the judgment) in the record of the appeal or application to which he is a party.

(2) The application shall be accompanied by deposit of an amount to cover the cost of preparing copies, according to the following scale of copying fees, *namely* :—

(*a*) for the first 200 words or less—

English	.. ..	12 as.
Vernacular	.. ..	6 as.

(*b*) For every additional 100 words or fraction thereof—

English	.. ..	6 as.
Vernacular	.. ..	3 as.

A uniform extra fee of rupee 1 shall be charged on an application for copies required urgently. The amount calculated according to the above scale, shall be retained by the Registrar as copying fees and the surplus amount, if any, deposited by the party shall be refunded to him at the time of supplying the copy, provided that the party shall, if the amount deposited by him is not sufficient to cover the copying fees, pay the deficit before taking delivery of the copy.

(3) If the Registrar of the Tribunal feels any doubt about the propriety of granting a copy of any such document, he shall place the application before the President and act in accordance with the orders of the President.

(4) Persons who are not parties to an appeal or application may be supplied with a copy of any such document only under the orders of the President and on payment of the copying fees.

33. *Forms of notices.*—Forms E to I with suitable modifications shall be used for the purpose of notices to be issued by the Tribunal.

34. *Service of notices in general.*—(1) The notices issued by the Tribunal to the party under the Act or these regulations shall be served by any of the following methods, viz. :—

(*i*) by delivery to the addressee or his agent personally of a copy of the notice after taking his signature on the original in token of receipt or (*ii*) by registered post (acknowledgment due). An acknowledgment containing the signature of the addressee or his agent or an endorsement by the postal authorities to the effect that the notice was refused by the addressee shall, unless the contrary is proved, be deemed to be sufficient to hold that the notice was duly served.

(2) Where the Tribunal is satisfied that the addressee is evading service or that it is not possible to serve the notice in the ordinary way, it may direct that a copy of the notice should be affixed on its notice board and another copy on the outer door or some other conspicuous part of his present or last actual residence and a conspicuous place in the village or town where he last resided or carried on business or by publishing the notice in a newspaper which has circulation in the locality.

(3) Where the Tribunal directs service of notice otherwise than by post, it may be sent for service to the Mamlatdar or Mahalkari of the Taluka or Petha within whose jurisdiction the party to be served resides. The Mamlatdar or Mahalkari, as the case may be, shall have the notice served through the village officers and return it to the Registrar of the Tribunal with an endorsement regarding the manner of service as laid down in sub-rule (2) of rule 44 of the Bombay Co-operative Societies Rules, 1927.

FORM A.

(*See* Regulation 8.)

THE BOMBAY CO-OPERATIVE TRIBUNAL, BOMBAY.

Register of Appeals.

Serial No.	Names of parties and their pleaders or agents, if any.	Date of the decision under appeal.	Date of filing the appeal.	Date of appearance of the respondent, his pleader or his agent.
1	2	3	4	5

Date of decision by the Tribunal.	Final order passed by the Tribunal.	Whether decided unanimously or by majority.	Remarks.
6	7	8	9

FORM B.

(*See* Regulation 8.)

THE BOMBAY CO-OPERATIVE TRIBUNAL, BOMBAY.

Register of applications for revision.

Serial No.	Names of parties and their pleaders or agents, if any.	Date of the decision sought to be revised.	Date of filing the application or the order of the Tribunal calling for record.	Date of appearanc of the oppónent, his pleader or his agent.
1	2	3	4	5

Date of decision by the Tribunal.	Final order passed by the Tribunal.	Whether decided unanimously or by majority.	Remarks.
6	7	8	9

FORM C.

(*See* Regulation 9.)

BEFORE THE BOMBAY CO-OPERATIVE TRIBUNAL.

Appeal / Application No. of 19 .

Appellant. / Applicant.

versus

Respondent. / Opponent.

To

The Registrar of Co-operative Societies,
Bombay State, Poona.

Please take note that the abovenamed appellant / applicant has filed an appeal / application for revision before this Tribunal against the decision in No. of 1949 (of the file of).

You are requested to send the record and proceedings of the above appeal / application with all practicable despatch.

Given under my hand and the seal of the Tribunal.

Date

By order,

Seal.

Registrar,

MO-I Bk H 160—37

FORM D.

(*See* Regulation 28.)

BILL OF COSTS (TO BE ATTACHED TO THE JUDGMENT).

Bombay Co-operative Tribunal $\frac{\text{Appeal}}{\text{Application}}$ No. of 1949.

$\frac{\text{Appellant.}}{\text{Applicant.}}$

versus

$\frac{\text{Respondent.}}{\text{Opponent.}}$

By the $\frac{\text{Appellant}}{\text{Applicant.}}$	By the $\frac{\text{Respondent.}}{\text{Opponent.}}$

Prepared by (Date) By order,

Clerk Registrar.

Examined

Seal.

Clerk

FORM E.

(*See* Regulation 33.)

BEFORE THE BOMBAY CO-OPERATIVE TRIBUNAL.

Appeal / Application No. of 19

Appellant. / Applicant.

versus

Respondent. / Opponent.

To

The abovenamed Appellant. / Applicant.

You have filed an appeal / application for revision against the order of the in No. of 19 of his file. It does not comply with provisions of the Bombay Co-operative Societies Act, 1925, and the rules and regulations made thereunder in the following respects :—

2. You are hereby required to remedy the defects within 7 days of the receipt of this notice by you. If you fail, the matter will be placed for orders before the Tribunal.

Given under my hand and the seal of the Tribunal.

By order,

(Date) Registrar.

Seal.

MO-I Bk H 160—37a

FORM F.

(*See* Regulation 33.)

BEFORE THE BOMBAY CO-OPERATIVE TRIBUNAL.

$\frac{\text{Appeal}}{\text{Application}}$ No. of 19

$\frac{\text{Appellant.}}{\text{Applicant.}}$

versus

$\frac{\text{Respondent.}}{\text{Opponent.}}$

To

The abovenamed $\frac{\text{Appellant.}}{\text{Applicant.}}$

Take notice that the $\frac{\text{appeal}}{\text{application for revision}}$ filed by you against the decision of.....
in.....No.....of 19....., of the file of.....has been placed before the Tribunal for orders as it is defective as already intimated to you. The Tribunal will hear the matter on..... If you want to be heard, you should be present at the time of the hearing in person or through duly appointed agent. If you fail to do so, the Tribunal will pass suitable orders in your absence.

Given under my hand and the seal of the Tribunal.

By order,

(Date) Registrar.

Seal.

FORM G.

(*See* Regulation 33.)

BEFORE THE BOMBAY CO-OPERATIVE TRIBUNAL.

Appeal / Application No. of 19

... Appellant. / Applicant.

versus

... Respondent. / Opponent.

To

The abovenamed Appellant. / Applicant.

Take notice that the above appeal / application for revision has been set down for hearing by the Tribunal on.....to decide whether the appeal / application should be admitted or not, and that you should attend on that day personally or through your duly appointed agent. On your failure to do so, the Tribunal will hear and decide the appeal/application *ex parte*.

Given under my hand and the seal of the Tribunal.

(Date)

Seal.

By order,

Registrar.

FORM H.

(*See* Regulation 33.)

BEFORE THE BOMBAY CO-OPERATIVE TRIBUNAL.

Appeal / Application No. of 19

... Appellant. / Applicant.

versus

... Respondent. / Opponent.

To

The abovenamed Respondent. / Opponent.

Take notice that the abovenamed Appellant / Applicant has filed an Appeal / Application for revision against the decision of / against the order of the Tribunal in the abovementioned in this Tribunal before No. _____ Appeal/Application of his file, and that the Tribunal has fixed..... as the date for hearing. The Tribunal will hear it on that day or on a subsequent date to which it may adjourn it, after notifying the date on the notice board.

If you do not appear on the above date or dates, personally or through duly appointed agent, the Tribunal will hear and decide the appeal / application *ex parte*.

Given under my hand and the seal of the Tribunal.

(Date)

By order,

Seal.

Registrar.

FORM I (GENERAL).

(*See* Regulation 33.)

BEFORE THE BOMBAY CO-OPERATIVE TRIBUNAL.

$\frac{\text{Appeal}}{\text{Application}}$ No. 19 .

... $\frac{\text{Appellant.}}{\text{Applicant.}}$

versus

... $\frac{\text{Respondent.}}{\text{Opponent.}}$

To

The

This is to give you notice that

Given under my hand and the seal of the Tribunal.

(Date)

By order,

Registrar.

Seal.